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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,938	06/29/2006	Moshe Basol	7044-X06-007A	2587
27317	7590	08/04/2009	EXAMINER	
Fleit Gibbons Gutman Bongini & Bianco PL			POLTORAK, PIOTR	
21355 EAST DIXIE HIGHWAY				
SUITE 115			ART UNIT	PAPER NUMBER
MIAMI, FL 33180			2434	
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			08/04/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,938	BASOL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	PETER POLTORAK	2434	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 March 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 June 2006 and 18 March 2009 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>6/29/06</u> .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. Claims 1-20 have been examined.

### ***Priority***

2. Acknowledgment is made of applicant's claim for priority based on a provisional application 60/534190 filed on 01/02/04 and PCT/IL2004/001191 filed on 12/30/04.

### ***Drawings***

3. The drawings are objected to because element 120 discussed in reference to Fig. 1 (see the specification, pg. 6) is not found in Fig. 1. Furthermore, Fig. 4 referenced by the specification (pg. 9-11) was not found in either of three pages of the drawings submitted on 6/29/06 and 3/18/09.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because element 370 shown in Fig. 3 is not address in the disclosure.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. The claimed invention is directed to non-statutory subject matter.

Based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C § 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *In re Bilski et al*, 88 USPQ 2d 1385 CAFC (2008); *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or

positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state. The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. Note the Board of Patent Appeals Informative Opinion Ex parte Langemyer et al.

6. In the instant situation, not only an ordinary artisan would readily recognize that network servers cited in claim 1, for example, could be implemented in software (which, unless used stored in hardware elements, i.e. executed by the processor or stored on the computer readable storage media, is non statutory) but in fact, claim 11 for example, could the generic assessment of process authorization implemented on a peace of paper and/or ones mind. Lastly, the independent claim 11, for example offers no useful result, as resulted in claim 12, for example.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.
8. The "sign in", "initial session type" and "hyperlink session address type" parameters recited in claims 7-9 and 17-19 are not clear and the specification offers no guidance in reference to understanding these terms. For purpose of the further examination these terms are treated as best understood.
9. Similarly, it is not clear what constitutes of "replac[ing] redundant information in the process information vector" in claims 5 and 15. Besides the summary that essentially repeats the claim limitation, the only reference in the specification referring to the subject is paragraph 1 of pg. 9. However, the specification merely recite as follows:

"...which may run simultaneously in complex environments, adding information which tracks every single process might severely burden the system's resources and degrade its performance. For this reason the preferred embodiment of the present security system is especially designed to overcome this problem. In order to economize the resources usage, the system uses redundant fields in the process information vector, such as the TTY process information field in the Unix operating system. The TTY process information holds the identification information of the terminal which initiated the process. Since the processes at hand are initiated by external sources and not via local terminals, this information is redundant and its memory allocation may be used for the purposes of the present security system, without jeopardizing the integrity of the environment. Other systems have other redundant fields in their session information vector which may be used for the same purpose"

and, as a result, it is not clear whether the limitation simply refers to the use of particular term/value (i.e. TCP) for the same processes, whether the processes are grouped or whether there is some other intended meaning of the phrase. Thus, the

examiner is not able to clearly ascertain the metes and bounds of the claimed limitation and treats the limitation as best understood.

10. The independent claims 1 and 11 suggest that in the claimed security system for preventing unauthorized processes activities within a network server environment “each process is associated to at least one identified communication session”. It is not clear what “each process” refers to. Clearly, network systems utilize a variety of processes that have nothing to do with network communication (session). The limitation is especially confusing in light of limitations present in dependent claims (i.e. claim 2) that, if taken literally, would pose the question how such implementation is accomplished (i.e. how is the boot process checked/blocked). For the purpose of the initial examination, the examiner reads “each process” as “processes”. However, it is noted that upon clarification of the term, the 112 first paragraph rejection may be exercised.

11. Lastly, it is not clear what consists of preamble and what of the limitations in claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claims 1-8, 10-18 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Carter (USPUB 2003/0051026).

**Carter discloses a security system for preventing unauthorized processes activities within a network server environment, wherein each process is associated to at least one identified communication session and the process authorization is determined in accordance with predefined rules, wherein said rules refer to the properties of the identified communication session** (para [168], [341], [349], [383] and [393]), **a filtering module installed on each server for blocking unauthorized processes activities in accordance with determined authorization** (para [655-657] and [984]), **at least one agent installed on one of the protected servers within the server network environment, said agent enables correlating between processes and sessions on different servers** (para [653-656], [665-667] and [671] Commander, Demons KnS, Agents and angels perform correlation and access control), **for each process an identification code of the identified communication session is added to the process information vector** (para [363]), **the identification code replaces redundant information in the process information vector** (para [341-342]), **the processes are associated to the identified communication session by a unique process identifier** (para [342] and [346]), **the identified session properties are sign in parameters** (para [349]), **the identified session properties are initial session type parameters** (para [351] and [363]), and **the communication session is identified according to a unique Transmission Control Protocol (TCP) port ID** (para [349-351]).

***Claim Rejections - 35 USC § 102 or 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 9 and 19 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Carter (USPUB 2003/0051026). Carter discloses a security system wherein each process is associated to at least one identified communication session and the process and the process authorization is determined in accordance with the predefined rules, wherein said rules refer to the properties of the identified communication session as discussed above.

14. Carter does not explicitly recite that the identified session properties are hyperlink session address type parameters. However, not only Carter discloses TCP but as seen in the background of the invention, Carter's invention pertains to hyperlink session address type parameters (i.e. para [21], [98], [301-302]), Fig. on pg. 5 etc.) but even if Carter did not include such parameters, Official Notice is taken using hyperlink session address type parameters as the identified session is old and well-known practice in computer security (see USPN 6476833, for example) and, one of ordinary skill in art at the time of applicant's invention would be motivated to include them given the benefit of final degree of security.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peter Poltorak/

Examiner, Art Unit 2434

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434